

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of )  
 )  
Replacement of Part 90 by Part 88 to )  
Revise the Private Land Mobile Radio )  
Services and Modify the Policies )  
Governing Them )  
 )  
AND )  
 )  
Examination of Exclusivity and )  
Frequency Assignment Policies of )  
The Private Land Mobile Radio Services )

PR Docket No. 92-235

To: The Commission

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**COMMENTS OF LOJACK CORPORATION**

LoJack Corporation ("LoJack") submits these comments to the Report and Order and Further Notice of Proposed Rulemaking ("Further Notice") in the above-referenced matter.

LoJack manufactures radio devices designed to be used by police and public safety personnel to help locate and recover stolen vehicles. LoJack radio transceivers operate in the 173.075 MHz frequency, which the Commission has allocated for stolen vehicle recovery systems. Although this frequency is referenced in the appendix to the Further Notice and is within the band of frequencies for which the Commission now seeks comment regarding the use of competitive bidding and spectrum fees for channel assignments, it is not one of the frequencies identified for refarming in the text of the Further Notice. LoJack assumes therefore, that the 173.075 MHz stolen vehicle recovery system frequency is not intended to be "refarmed." Indeed, LoJack understands that the

Commission will issue a clarification in this regard. LoJack supports such an explicit exemption of the 173.075 MHz frequency from refarming and, in any event, LoJack urges the Commission to refrain from imposing spectrum fees or licensing auctions on public safety radio services.

## **DISCUSSION**

### **I.     The 173.075 MHz Frequency Should Be Exempted Explicitly From Refarming.**

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The Commission has allocated nationwide the 173.075 MHz frequency, on a shared-use basis with the Federal Government, to stolen vehicle recovery systems.<sup>1</sup> Radio systems in this spectrum operate in the Police Radio Service and all systems are licensed to police and public safety organizations. Mobile transmitters operating in this frequency are limited to 2.5 watts output power and base units are limited to 300 watts.<sup>2</sup> Also, because of the proximity of this frequency to television channel 7 (174-180 MHz), operators using the 173.075 MHz frequency must take special precautions to avoid interfering with television signals.<sup>3</sup> Within these constraints, use of this spectrum for stolen vehicle recovery systems has proven to be extremely efficient.

With hundreds of thousands of units in consumers' vehicles, LoJack is the foremost manufacturer of vehicle recovery systems designed to operate at 173.075 MHz. A LoJack system is comprised of small radio transceivers, each of which is identified by a unique code associated with the vehicle in which it will be installed, tracking units carried by police cruisers, and a base control/activation unit. When a LoJack-protected vehicle is stolen, the vehicle's transmitter is activated by the base unit and police cruisers equipped with LoJack

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<sup>1</sup> 47 C.F.R. § 90.19(f)(7).

<sup>2</sup> Id.

<sup>3</sup> Id.

tracking units track the silent broadcast signal to the stolen vehicle. In over 90% of cases in which an automobile equipped with the LoJack system is stolen, the vehicle is recovered, frequently within a couple of hours.

In the “Report and Order” section of the Further Notice, the Commission made extensive changes to the private land mobile radio services using the 150-174, 421-430, 450-470, and 470-512 MHz bands.<sup>4</sup> The Commission did not, however, explicitly address the 173.075 MHz frequency. Indeed, in Appendix F to the Further Notice, the Commission left the rules applicable to the 173.075 MHz frequency unchanged.<sup>5</sup> Further, because the 173.075 MHz band is not contiguous with other frequencies subject to refarming (television channel 7 occupies the spectrum from 174-180 MHz and the frequencies directly below 173.075 MHz are used principally by the federal government), it cannot easily be combined with other bands or made to accommodate other uses.<sup>6</sup>

LoJack commends the Commission for its initial foresight in allocating the 173.075 MHz frequency for vehicle recovery systems and is encouraged by the Commission’s decision to preserve the continued use of this frequency for public safety purposes, as evidenced by the continuation of the current service rules for 173.075 MHz.

As the Commission has recognized, the Public Safety Radio Services provide particularly unique and important services.<sup>7</sup> This is nowhere more true than in the 20 kHz at 173.075 MHz allocated for stolen vehicle recovery systems. Police and other public safety agencies make highly efficient use of this spectrum

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<sup>4</sup> See, e.g., Further Notice, ¶ 15 & n.33.

<sup>5</sup> See id. at F-9, F-13.

<sup>6</sup> One of the primary purposes of refarming is to consolidate private radio services and spectrum to maximize spectrum efficiency. See id. ¶ 15.

<sup>7</sup> Id. ¶ 53.

to provide a service that can be critical to the preservation of life and property.<sup>8</sup> Changes to the operating rules at this frequency would jeopardize these valuable services.

LoJack understands that the Commission, in its reconsideration order, will issue a clarification of the Further Notice, in which it will exempt explicitly from the refarming order the public safety radio frequency 173.075 MHz. LoJack supports such an explicit exemption. By preserving the 173.075 MHz frequency for stolen vehicle recovery systems, the Commission will help to protect the integrity and operation of an important public safety service. Moreover, because there is no contiguous spectrum with which this frequency band might be refarmed, such an exemption would not undermine the Commission's efforts to make the Private land mobile radio services more efficient.

## **II. The Commission Should Refrain From Imposing User Fees Or Spectrum Auctions In the Public Safety Radio Services.**

As discussed above, LoJack urges the Commission to exempt explicitly the 173.075 MHz frequency from the entire refarming order. In any event, however, the Commission should not impose spectrum fees or competitive bidding on public safety radio services like stolen vehicle recovery systems operating at 173.075 MHz.

In the Further Notice, the Commission seeks comment regarding the treatment of public safety users with respect to the various market-based

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<sup>8</sup> See, e.g., Ft. Lauderdale Sun-Sentinel, Device Leads to Theft Suspect, page 1B (Oct. 31, 1995) (LoJack unit leads police to "chop-shop"); Los Angeles Daily News, Arrest Linked to Car Theft Ring, page N3 (Sept. 28, 1995) (LoJack device leads police to "serial" car thieves); Los Angeles Times, LoJack Nabs Attempted Murder Suspect, page 11 (Oct. 20, 1994).

incentives that it has proposed for the Private land mobile radio services.<sup>9</sup> The Commission noted that:

Public safety users are charged with the protection of life and property, and the Commission is committed to ensuring that such users have access to spectrum to perform their critical function. We seek comment on exempting public safety users from spectrum fees and competitive bidding, or developing a reduced fee structure and a protected auction environment for these users.<sup>10</sup>

LoJack — which provides to public safety licensees technologies that are used to protect life and property — urges the Commission to exempt public safety users both from spectrum fees and from competitive bidding. The imposition of market-based spectrum management systems on public safety radio services will undermine the ability of these services to protect life and property.

In order to provide fast, effective emergency response capability and specialized services such as stolen vehicle recovery, public safety users must have access to a “sufficient” band of protected spectrum.<sup>11</sup> Moreover, because of the inherent mobility of vehicles, the spectrum for such services must be, as 173.075 MHz currently is, allocated on a nationwide basis. Spectrum for stolen vehicle recovery systems cannot be parceled out community by community or dependent upon a particular jurisdiction’s ability to pay for the spectrum. Indeed, because stolen vehicle recovery systems are used for public safety purposes, the market may not appropriately value the spectrum for competitive bidding purposes.

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<sup>9</sup> See Further Notice ¶ 117.

<sup>10</sup> Id.

<sup>11</sup> Id. ¶ 140.

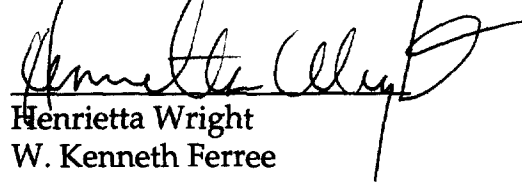
For these reasons, LoJack supports the Commission's proposals to "set aside [spectrum] for exclusive public safety use" and to exempt public safety radio services from spectrum fees and licensing auctions.<sup>12</sup> Only by adopting these proposals can the Commission ensure the availability of spectrum for important public safety uses.

### CONCLUSION

For the reasons stated herein, LoJack urges the Commission to exempt explicitly the 173.075 MHz frequency from refarming and, in any event, to refrain from imposing spectrum fees or licensing auctions on public safety radio services.

Respectfully submitted,

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<sup>12</sup> *Id.* ¶¶ 140, 146.